

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF APRIL  
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE D.S.R.VARMA**

**WRIT PETITION NO : 7445 of 2005**

Between:

K.Venu Madhava Reddy, s/o K.Narayana Reddy,  
Divya Sai Rice Traders H.No.1-9-199, Kushaiguda,  
Keesara Mandal, Ranga Reddy District.

**..... PETITIONER**

AND

The Joint Collector, Ranga Reddy District at Lakdikapool, Hyderabad.

**.....RESPONDENT**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more in the nature of writ of mandamus declaring the order of the learned Prl. Sessions Judge, R.R. District in CrI.M.P.No.1142 of 2004 in CrI.A.Sr.No.1457 of 2004 dated 19-1-2005 is null and void consequently orders of the Joint Collector in A7/910/2001 dated 3-11-2001 declared as null and void and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

**Counsel for the Petitioner: MR.V.H.V.R.R.SWAMY**

**Counsel for the Respondent: GP FOR CIVIL SUPPLIES**

**The Court at the stage of admission made the following :**

**ORAL ORDER:**

Heard both sides. Perused the material placed before me.

Petitioner is a trader. The competent authority confiscated his properties, by an

order dated 3-11-2001, under Section 6-A of the Essential Commodities Act (for short 'the Act') on the ground of certain irregularities. Challenging the said order the petitioner preferred an appeal before the District Judge, Ranga Reddy under Section

6-C of the Act with a delay. An application had been filed under Section 5 of the Limitation Act to condone the said delay and the District Judge, on merits, had dismissed the same.

Now the only question that falls for consideration in this writ petition is whether the present writ petition is maintainable against the order passed by the learned District Judge Ranga Reddy in dismissing the application filed by the petitioner under Section 5 of the Limitation Act to condone the delay in filing the appeal.

This issue is no longer *res-integra*. It had fallen for consideration way back in 1974(2) APLJ, 305 and the same was affirmed by the Supreme Court in *Thakur Das (dead) by LRs. Vs. State of Madhya Pradesh* and another wherein their lordships accepting the view taken by this Court held that the District Judge is not a persona designata and the orders passed by the District Judge are amenable to the revisional jurisdiction by the High Court under Section 397 of CrI. P.C.

Therefore, the writ petition is not maintainable and accordingly the same is dismissed. However, the same shall be treated as CrI. Revision Petition. Learned counsel for the petitioner is permitted to convert this writ petition as a Criminal Revision Petition under Section 397 of Code of Criminal Procedure. No costs.

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12-04-2005

*Note:*

*LR copy to be marked.*

*B/0 kvsn*

To

1. The Joint Collector, Ranga Reddy District at Lakdikapul, Hyderabad.
2. Two CCs to GP for Civil Supplies, High Court buildings, Hyderabad.
3. The Under Secretary, Union of India, Ministry of Law, Justice and Company affairs, New Delhi.
4. The Secretary, AP Advocates Association Library, High Court buildings, Hyderabad.
5. Two CD copies.
6. 8 L.R. copies.
7. One copy to Section Officer, Criminal Section, High Court of A.P., Hyderabad.